

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELINDIA JACKSON,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:13-cv-01098

IDS PROPERTY AND CASUALTY
INSURANCE CO.,

Defendant.

/

REPORT AND RECOMMENDATION

Defendant's motion (Dkt. 8) to strike and dismiss plaintiff's complaint was filed on November 8, 2013. On November 12, 2013 (Dkt. 9) the court set that motion for hearing on May 9, 2014. More than five months later, on April 30, 2014, defendant filed its motion to dismiss (Dkt. 10) based on plaintiff's failure to file any opposition to the motion to strike. The court ordered plaintiff to appear and show cause on May 9, 2014, the date already set for hearing on the motion to strike, why defendant's motions should not be granted and her case dismissed for failure to prosecute (Dkt. 12). Plaintiff did not appear; nor did she respond in writing to the applicable motion to strike or order to show cause.

Plaintiff did file an untimely motion to adjourn the hearing, which was denied, as well as a motion for reconsideration of that decision, which was also denied. More than ample time has been given for Plaintiff to respond to defendant's motion. The court finds no good cause to delay this case further.

As such, the undersigned hereby recommends that Defendant's Motion to Dismiss Based on Plaintiff's Failure to File Opposition to Its Motion to Strike Complaint (Dkt. 10) be granted and this matter dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: May 12, 2014

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).